

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LYNNE THOMPSON,)	
)	Civil Action No. 12-925
Plaintiff,)	
)	
vs.)	
)	Judge Arthur J. Schwab/
CHOICE AUTO SALES; LENNY)	Magistrate Judge Maureen P. Kelly
HAUCK, General Manager; KURT, Owner)	
of Choice Auto Sales; MURRYSVILLE)	Re: ECF No. 12
POLICE DEPARTMENT; JOHN DEVLIN,)	
Detective for the Murrys ville Police Depart-)	
ment,)	
)	
Defendants.)	

MEMORANDUM ORDER

In August 2012, the Magistrate Judge filed a Report and Recommendation (the “Report”) recommending that Plaintiff Lynne Thompson’s Motion for Leave to Proceed In Forma Pauperis (“IFP Motion”) be denied because she has acquired “three strikes.” ECF No. 3. No objections were filed by the deadline and we noted this fact in the order adopting the Report, by which we also ordered that Plaintiff pay the filing fee by a date certain. ECF No. 5. Plaintiff then filed a Motion to Extension of Time in Which to File her Objections. ECF No. 5. She then filed her Objections. ECF No. 6. Only subsequently, did the Court grant her Motion for Extension of Time, and simultaneously vacated the Order adopting the Report. ECF No. 7. Thereafter, on October 12, 2012, the Court upon de novo review of the Objections and the Report, again denied Plaintiff’s IFP Motion and ordered Plaintiff to pay the entire filing fee by October 24, 2012. ECF No. 9. On October 16, 2012, Plaintiff filed a Motion for Replacement of Objections wherein she sought to rectify the fact that in our order adopting the Report, we

noted that no objections were filed. ECF No. 10. The following day, October 17, 2012, the Clerks' Office received "Objections" which, although shorter than the Objections originally filed, did not add any new grounds for objecting to the Report. ECF No. 11. On October 19, 2012, by text order, the Magistrate Judge denied Plaintiff's Motion for Replacement of Objections as moot.

Plaintiff has now filed a Motion for Reconsideration, wherein she requests that this Court to reconsider its order denying her IFP Motion or, in the alternative, to permit her to pay a reduced filing fee or in the alternative to hold this case in abeyance to give her more time to find funds to pay the filing fee. ECF No. 12. The filing fee is set by statute and this Court has no authority to alter the statutory filing fee other than in accord with the IFP statute, which does not permit a lower filing fee for prisoners. 29 U.S.C. § 1915. Hence, we deny her request to be permitted to pay a lower filing fee. To the extent that she requests that we hold this case in abeyance until such time as she can gather the funds, we note that in her IFP Motion when asked to list "[o]ther information relevant to plaintiff's financial status" Plaintiff responded with "N/A." ECF No. 1 at 2, ¶ 3. If she had means to obtain funds, she should have informed the Court then that she did. Either she has access to funds or she does not. If she does, she was bound to disclose that in her IFP Motion. Plaintiff fails to say when she might be able to acquire such funds or how long she wants this Court to hold this case in abeyance. We note that she has been on notice since at least August 24, 2012, with the filing of the Report that she might have to

pay the entire filing fee. In light of the foregoing, we hereby **DENY** Plaintiff's Motion for Reconsideration. Plaintiff must pay the full filing fee by October 24, 2012, or the case will be dismissed for failure to prosecute.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

Dated: October 24, 2012

cc: Maureen P. Kelly
United States Magistrate Judge

LYNNE THOMPSON
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